

**Probate Committee
Judicial Conference of Indiana**

June 20, 2003
Minutes

1. Members present. The following members of the committee were present: Kevin Barton, Peter J. Nemeth, Larry E. Bradley, Wayne J. Lennington, and Chris D. Monroe, Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Approval of minutes. The committee approved the minutes from the April 4, 2003 meeting.
4. Deskbook Revisions. Michelle reported that she has received all of the revisions and has also discussed additional revisions with individual authors. The Committee discussed Section 2.26 regarding Instructions to the Guardian. The Committee decided to include both samples in the Deskbook. The Committee also revised the first sample to include “unless waived by the Court” at the end of instructions 1, 2, and 4, and to include a statement at the end of the instructions authorizing the attorney to disclose information relating to the representation of the Guardian. The Committee also discussed Forms §6.19: F-10 regarding mental health. The Committee decided to add a statement at the end of the form giving the court appointed attorney access to the patient and records relating to the patient in order to address HIPAA issues.

The Committee also discussed other areas where HIPAA may become an issue for Probate Courts, such as physician reports. Judge Monroe indicated he would look into these issues on behalf of the Committee. Judge Nemeth volunteered to draft a new form concerning physician reports (§2.21) to address HIPAA.
5. ISBA Report. Judge Monroe distributed a letter received from the Probate Section outlining the Sections legislative agenda. The Committee briefly discussed some of the items listed in the letter. The next Section meeting will be on October 24, 2003 in Indianapolis.
6. Additional Business. Michelle reported that the Dellinger case was on transfer to the Indiana Supreme Court and the Court heard oral arguments on June 12th. The argument is available on the web cast page on the Judiciary’s web site.

The Committee also asked when the Probate Code Study Commission meetings would begin. Michelle indicated that nothing has been posted yet, but when more information is available she will email the Committee.
7. Next meeting. The Committee decided to schedule the next meeting in the fall of 2003. Michelle was asked to email the Committee after the September Conference to set up the next meeting.

Respectfully Submitted,

Michelle C. Goodman